

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

CASE NO. 13-46737

WALTER NEIRA,

THIRD AMENDED
CHAPTER 13 PLAN

Debtor.

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1. The future earnings of the Debtor are submitted to the supervision and control of the Chapter 13 Trustee and the Debtor shall pay to the Trustee for a total period of 60 months, the sum of:

- A. \$200 from December, 2013, through April, 2014;
- B. \$600 from May, 2014, through October, 2014; and
- C. \$780 from November, 2014, through November, 2018.

2. From the payments so received, the Trustee shall make disbursements as follows:

A. Payment to holders of allowed secured claims. Such claimants shall retain the liens securing such claims and shall be paid as follows:

Debtor shall pay arrears of approximately \$24,923.16 through the plan to Nationstar Mortgage LLC, as servicer for US Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-15N (“Nationstar”), secured by the real property located at 59-30 60th Street, Maspeth, New York 11378 (the “Property”). The Debtor shall remit post-petition mortgage payments directly to this creditor outside of the plan.

The Debtor shall also pay Nationstar post-petition arrears in the amount of \$8,793.56. The Chapter 13 Trustee shall pay this debt before the Debtor’s pre-petition debt.

No payments shall be made to PennyMac Loan Services, LLC, as servicer for FBNB I, LLC (PennyMac), for the Property since this claim has been reclassified as wholly unsecured.

No payments shall be made to Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QA1 and U.S. Bank, N.A., as Trustee for Home Equity Loan Trust 2007-HSA1 for the property located 520 Jersey Avenue, Elizabeth, New Jersey 07202 because the Debtor intends to surrender this property as set forth below in paragraph 6.

B. Payment to holders of priority claims. Full payment in deferred cash payments of all claims entitled to priority under 11 U.S.C. Section 507(a)(1) and (a)(8), including the Chapter 13 Trustee's commissions, and any claims of the state and federal taxing authorities.

C. Subsequent to distribution to the Chapter 13 Trustee and other priority creditors, dividends to unsecured creditors whose claims are duly allowed as follows: Pro rata distribution to all unsecured creditors.

3. The following executory contracts of the debtor are rejected: None.
4. Title to the Debtor's property shall vest in the debtor on completion of the plan, or dismissal of the case, unless otherwise provided for in the Order confirming this plan.
5. Throughout the term of this plan, the Debtor agrees he (1) will not incur post-petition debt over \$1,500.00 without first notifying the Chapter 13 trustee in writing and (2) the Debtor shall provide the Chapter 13 Trustee with signed copies of his filed federal and state tax returns for each year no later than April 15th of the year following the tax period. Indicated tax refunds are to be paid to the Trustee upon receipt for the life of the plan, however no later than June 15th

of the year in which the tax returns are filed.

6. SURRENDER OF REAL PROPERTY: The Debtor surrenders his interest in the property known as 520 Jersey Avenue, Elizabeth, New Jersey 07202, in full satisfaction of any and all claims against the Debtor by Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QA1 and U.S. Bank, N.A., as Trustee for Home Equity Loan Trust 2007-HSA1. Upon confirmation of this Plan or as otherwise ordered by the court, bankruptcy stays are lifted as to the collateral to be surrendered.

Dated: November 20, 2014

/s/Walter Neira
Walter Neira, Debtor

/s/Norma E. Ortiz
Norma E. Ortiz
Ortiz & Ortiz, L.L.P.
Debtor's Counsel